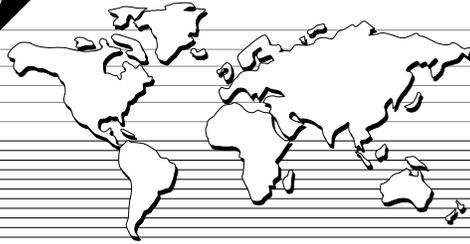




U.S. Department of the Treasury  
Office of Foreign Assets Control



# CUBA

## What You Need To Know About The U.S. Embargo

### An overview of the Cuban Assets Control Regulations Title 31 Part 515 of the U.S. Code of Federal Regulations

■ **INTRODUCTION** - The Cuban Assets Control Regulations, 15 CFR Part 515 (the "Regulations") were issued by the U.S. Government on 8 July 1963 under the Trading With the Enemy Act in response to certain hostile actions by the Cuban government. They are still in force today and affect all U.S. citizens and permanent residents wherever they are located, all people and organizations physically in the United States, and all branches and subsidiaries of U.S. organizations throughout the world. The Regulations are administered by the U.S. Treasury Department's Office of Foreign Assets Control. The basic goal of the sanctions is to isolate the Cuban government economically and deprive it of U.S. dollars. Criminal penalties for violating the sanctions range up to 10 years in prison, \$1,000,000 in corporate fines, and \$250,000 in individual fines. Civil penalties up to \$55,000 per violation may also be imposed. Please note that the Regulations require those dealing with Cuba to maintain records and, upon request from the U.S. Treasury Department, to furnish information regarding such dealings.

■ **EXPORTING TO CUBA** - Except for publications, other informational materials (such as CDs and works of art), certain donated food, and certain goods licensed for export or re-export by the U.S. Department of Commerce (such as medicine and medical supplies, food, and agricultural commodities), no products, technology, or services may be exported from the United States to Cuba, either directly or through third countries, such as Canada or Mexico. This prohibition includes dealing in or assisting the sale of goods or commodities to or from Cuba, even if done entirely offshore. Such brokering is considered to be dealing in property in which Cuba has an interest. Provision of consulting services is also prohibited. Thus, no U.S. citizen or permanent resident alien, wherever located, and no foreign subsidiary or branch of a U.S. organization may export products, technology, or services to Cuba or to any Cuban national, wherever they may be located, or broker the sale of goods or commodities to or from Cuba or any Cuban national.

Pursuant to provisions of the Cuban Democracy Act of 1992 (the "CDA") and the Trade Sanctions and Export Enhancement Act of 2000 (the "TSRA"), the Commerce Department authorizes the sale and export or re-export of medicine and medical supplies, food and agricultural commodities to Cuba. Those interested in engaging in such exports or re-exports must first obtain authorization from the Commerce Department's Bureau of Export Administration. All licensed sales may be financed by cash in advance or by third-country banks that are not Specially Designated Nationals. Foreign subsidiaries of U.S. banks are authorized to directly finance licensed sales of agricultural products. All U.S. banks may advise or confirm any of the above.

Section 1705(b) of the CDA provides for donations of food to independent non-governmental organizations or individuals in Cuba. Shipments of food can be donated to non-governmental organizations from the U.S. or from third countries without the need for a license from the U.S.

government. The CDA specifically provides that payments to Cuba involving telecommunications may be made pursuant to specific license. In the mid-1970s, Section 515.559 was added to the Regulations to allow OFAC to license foreign subsidiaries of U.S. firms to conduct trade in commodities with Cuba so long as several specific criteria were met. Section 1706(a) of the CDA, however, prohibits the issuance of a license that would have been issued pursuant to § 515.559, except where a contract was entered into prior to enactment of the CDA or where the exports at issue are medicines or medical supplies.

Unless otherwise authorized, no vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest may enter a U.S. port. The prohibition also applies to vessels which enter only to take on fuel and supplies (bunker), whether from U.S. fuel providers within the port limits or at offshore points, as well as vessels discharging or loading merchandise offshore, by lighter or otherwise. In addition, vessels which enter a port or place in Cuba to engage in the trade of goods or services are prohibited from loading or unloading any freight at any place in the U.S. for 180 days. Prohibited entry does not apply to vessels engaging solely in trade with Cuba authorized by license or exempt from the Regulations (e.g., vessels carrying authorized exports of agricultural products or donations of food to nongovernmental organizations or individuals).

■ **IMPORTING CUBAN-ORIGIN GOODS OR SERVICES** - Goods or services of Cuban origin may not be imported into the United States either directly or through third countries, such as Canada or Mexico. The only exceptions are: \$100 worth of Cuban merchandise which may be brought into the United States as accompanied baggage by authorized travelers arriving from Cuba; publications, artwork, or other informational materials; merchandise other than tobacco or alcohol and not in commercial quantities carried as accompanied baggage by foreign persons legally entering the United States; and merchandise for which a specific license has been received.

■ **TRANSACTIONS INVOLVING PROPERTY IN WHICH CUBA OR A CUBAN NATIONAL HAS AN INTEREST** - In addition to the prohibitions on exports to and imports from Cuba, the Regulations prohibit any person subject to U.S. jurisdiction from dealing in any property in which Cuba or a Cuban national has an interest. Under the Regulations, "property" includes but is not limited to contracts and services. For example, unless otherwise authorized, persons subject to U.S. jurisdiction (including U.S. overseas subsidiaries) may not purchase Cuban cigars in Mexico; may not sign a contract with a U.K. firm if the contract terms include Cuba-related provisions (even if those provisions are contingent upon the lifting of the embargo); and may not provide accounting, marketing, sales, or insurance services to a Cuban company or to a foreign company with respect to the foreign company's Cuba-related business.

■ **SPECIALLY DESIGNATED NATIONALS** - The Regulations prohibit buying from or selling to Cuban nationals whether they are physically located on the island of Cuba or doing business elsewhere on behalf of Cuba. Individuals or organizations who act on behalf of Cuba anywhere in the world are considered by the U.S. Treasury Department to be “Specially Designated Nationals” of Cuba. A non-exhaustive list of their names is published in the Federal Register, an official publication of the U.S. Government. This list may be obtained by calling the Office of Foreign Assets Control at 202/622-2490. The listing, however, is a partial one and any individual or organization subject to U.S. jurisdiction engaging in transactions with foreign nationals must take reasonable care to make certain that such foreign nationals are not acting on behalf of Cuba. Individuals and organizations subject to U.S. jurisdiction who violate the Regulations by transacting business with Specially Designated Nationals of Cuba are subject to criminal prosecution or civil monetary penalties.

■ **ACCOUNTS AND ASSETS** - There is a total freeze on Cuban assets, both governmental and private, and on financial dealings with Cuba; all property of Cuba, of Cuban nationals, and of Specially Designated Nationals of Cuba in the possession or control of persons subject to U.S. jurisdiction is “blocked.” Any property in which Cuba has an interest which comes into the United States or into the possession or control of persons subject to U.S. jurisdiction is automatically blocked by operation of law. Banks receiving unlicensed wire transfer instructions in which there is a Cuban interest, or any instrument in which there is a Cuban interest, must freeze the funds on their own books or block the instrument, regardless of origin or destination. “Suspense accounts” are not permitted. Blocking imposes a complete prohibition against transfers or transactions of any kind. No payments, transfers, withdrawals, or other dealings may take place with regard to blocked property unless authorized by the Treasury Department. Banks are permitted to take normal service charges. Blocked deposits of funds must be interest-bearing. “Set-offs” are not allowed.

Persons subject to U.S. jurisdiction are required to exercise extreme caution in order not to knowingly involve themselves in unlicensed transactions in which Cuba has an interest. Except as authorized, no bank in the U.S. or overseas branch or subsidiary of a U.S. bank may advise a letter of credit involving Cuba nor may it process documents referencing Cuba. All such “property” must be blocked as soon as it comes within the bank’s possession or control. All persons in possession of blocked property are required to register with the Office of Foreign Assets Control. Persons subject to U.S. jurisdiction who engage in any commercial dealings that involve unauthorized trade with Cuba, either directly or indirectly, risk substantial monetary penalties and criminal prosecution.

■ **SENDING GIFTS** - Gift parcels may be sent or carried by an authorized traveler to an individual or to a religious, charitable, or educational organization in Cuba for the use of the recipient or of the recipient’s immediate family (and not for resale), subject to the following limitations: the combined total domestic retail value of all items in the parcel must not exceed \$200 (with the exception of donations of food, which are not so restricted); not more than one parcel may be sent or given by the same person in the U.S. to the same recipient in Cuba in any one calendar month; and the content must be limited to food, vitamins, seeds, medicines, medical supplies and devices, hospital supplies and equipment, equipment for the handicapped, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, soap-making equipment, or certain radio equipment and batteries for such equipment. Organizations that consolidate and send multiple gift parcels in single shipments must obtain a validated license from the U.S. Department of Commerce. Each gift parcel in the single shipment must meet commodity, dollar-value, and frequency limitations. If a parcel being shipped or carried to Cuba fails to meet these standards, it is subject to seizure by the U.S. Government.

■ **CUBA-RELATED TRAVEL TRANSACTIONS** - Only persons whose travel falls into the categories discussed below may be authorized to spend money related to travel to, from, or within Cuba. Persons licensed to engage in travel-related transactions in Cuba may spend up to the

State Department Travel *Per Diem* Allowance for Havana, Cuba for purchases directly related to travel in Cuba, such as hotel accommodations, meals, local transportation, and goods personally used by the traveler in Cuba (travelers can check the current *per diem* rate on the Internet at <<<http://www.state.gov/www/perdiems/index.html>>>). Most licensed travelers may also spend additional money for transactions directly related to the activities for which they received their license. For example, journalists traveling in Cuba under the journalism general license (described below) may spend money over and above the current *per diem* for extensive local transportation, the hiring of cable layers, and other costs that are directly related to covering a story in Cuba. Licensed travelers may also spend an additional \$100 on the purchase of Cuban merchandise to be brought back with them to the United States as accompanied baggage, but this \$100 authorization may be used only once in any 6-month period. Purchases of services unrelated to travel or a licensed activity, such as non-emergency medical services, are prohibited. The purchase of publications and other informational materials is not restricted.

**General license:** The following categories of travelers are permitted to spend money for Cuban travel and to engage in other transactions directly incident to the purpose of their travel under a general license without the need to obtain special permission from the U.S. Treasury Department:

- ✓ Official Government Travelers--U.S. and foreign government officials, including representatives of international organizations of which the United States is a member, who are traveling on official business.
- ✓ Persons regularly employed as journalists by a news reporting organization and persons regularly employed as supporting broadcast or technical personnel who travel to Cuba to engage in journalistic activities.
- ✓ Persons who are traveling to visit close relatives in Cuba in circumstances of humanitarian need. This authorization is valid without a specific license from the Office of Foreign Assets Control only once every twelve months. Persons traveling under this general license may not spend money on transactions that will cause them to exceed the current *per diem* allowance.
- ✓ Full-time professionals whose travel transactions are directly related to professional research in their professional areas, provided that their research (1) is of a noncommercial, academic nature; (2) comprises a full work schedule in Cuba; and (3) has a substantial likelihood of public dissemination.
- ✓ Full-time professionals whose travel transactions are directly related to attendance at professional meetings or conferences in Cuba organized by an international professional organization, institution, or association that regularly sponsors such meetings or conferences in other countries. The organization, institution, or association sponsoring the meeting or conference may not be headquartered in the United States unless it has been specifically licensed to sponsor the meeting. The purpose of the meeting or conference cannot be the promotion of tourism in Cuba or other commercial activities involving Cuba, or to foster production of any biotechnological products.
- ✓ Amateur or semi-professional athletes or teams traveling to participate in Cuba in an athletic competition held under the auspices of the relevant international sports federation. The athletes must have been selected for the competition by the relevant U.S. sports federation, and the competition must be one that is open for attendance, and in relevant situations participation, by the Cuban public.

**Specific licenses for educational institutions:** Specific licenses authorizing travel transactions related to certain educational activities by any students or employees affiliated with a licensed academic institution may be issued by the Office of Foreign Assets Control. Such licenses are only available to U.S. academic institutions accredited by an appropriate national or regional accrediting association, and such licenses must be renewed after a period of two years. Once an academic institution has applied for and received such a specific license, the following categories of travelers affiliated with that academic institution are authorized to engage in travel-related transactions incident to the following activities without seeking further authorization from the Office

## of Foreign Assets Control:

- ✓ Undergraduate or graduate students participating in a structured educational program as part of a course offered at a licensed college or university. Students planning to engage in such transactions must carry a letter from the licensed institution stating 1) the institution's license number, 2) that the student is enrolled in an undergraduate or graduate degree program at the institution, and 3) that the travel is part of an educational program of the institution.
- ✓ Persons doing noncommercial Cuba-related academic research in Cuba for the purpose of qualifying academically as a professional (e.g., research toward a graduate degree). Students planning to engage in such transactions must carry a letter from the licensed institution stating 1) the institution's license number, 2) that the student is enrolled in a graduate degree program at the institution, and 3) that the Cuba research will be accepted for credit toward that graduate degree.
- ✓ Undergraduate or graduate students participating in a formal course of study at a Cuban academic institution, provided the Cuban study will be accepted for credit toward a degree at the licensed U.S. institution. A student planning to engage in such transactions must carry a letter from the licensed U.S. institution stating 1) the institution's license number, 2) that the student is currently enrolled in an undergraduate or graduate degree program at the institution, and 3) that the Cuban study will be accepted for credit toward that degree.
- ✓ Persons regularly employed in a teaching capacity at a licensed college or university who plan to teach part or all of an academic program at a Cuban academic institution. An individual planning to engage in such transactions must carry a letter from the licensed institution stating 1) the institution's license number, and 2) that the individual is regularly employed by the licensed institution in a teaching capacity.
- ✓ Cuban scholars teaching or engaging in other scholarly activities at a licensed college or university in the United States. Licensed institutions may sponsor such Cuban scholars, including payment of a stipend or salary.
- ✓ Secondary school students participating in educational exchanges sponsored by Cuban or U.S. secondary schools and involving the students' participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official. A reasonable number of adult chaperones may accompany the students to Cuba. A secondary school group planning to engage in such transactions in Cuba must carry a letter from the licensed secondary school sponsoring the trip stating 1) the school's license number, and 2) the list of names of all persons traveling with the group.
- ✓ Full-time employees of a licensed institution organizing or preparing for the educational activities described above. An individual engaging in such transactions must carry a letter from the licensed institution stating 1) the institution's license number, and 2) that the individual is regularly employed there.

**Specific licenses for religious organizations:** Specific licenses authorizing travel transactions related to religious activities by any individuals or groups affiliated with a religious organization may be issued by the Office of Foreign Assets Control. Such licenses are only available to religious organizations located in the United States, and such licenses must be renewed after a period of two years. Once a religious organization has applied for and received such a specific license, travelers affiliated with that religious organization are authorized to engage in travel-related transactions incident to a full-time program of religious activities in Cuba under the auspices of the licensed religious organization without seeking further authorization from the Office of Foreign Assets Control. Individuals planning to engage in such transactions must carry a letter from the licensed religious organization stating 1) the organization's license number, 2) that they are affiliated with the licensed organization, and 3) that they are traveling to Cuba to engage in religious activities under the auspices of the licensed organization.

**Other specific licenses:** Specific licenses may be issued by the Office of Foreign Assets Control on a case-by-case basis authorizing travel transactions by the following categories of persons in connection with the following activities:

- ✓ Humanitarian Travel - (1) persons, and persons traveling with them who

share a common dwelling with them, traveling to Cuba more than once in a twelve-month period to visit close relatives in cases involving humanitarian need; (2) persons traveling to Cuba to accompany licensed humanitarian donations (other than gift parcels) or exempt donations of food; (3) persons traveling in connection with activities of recognized human rights organizations investigating specific human rights violations; and (4) persons whose travel transactions are directly related to certain humanitarian projects in or related to Cuba that are designed to directly benefit the Cuban people. Licenses authorizing transactions for multiple trips over an extended period of time are available for travel under (3) and (4) above.

- ✓ Free-Lance Journalism - Persons with a suitable record of publication who are traveling to Cuba to do research for a free-lance article. Licenses authorizing transactions for multiple trips over an extended period of time are available for applicants demonstrating a significant record of free-lance journalism.
- ✓ Professional Research and Professional Meetings - Persons traveling to Cuba to do professional research or to attend a professional meeting that does not meet the requirements of the relevant general license (described above). Licenses authorizing transactions for multiple trips over an extended period of time are available.
- ✓ Educational Activities - Persons traveling to engage in educational activities that are not authorized pursuant to an academic institution's specific license, including educational exchanges not involving academic study pursuant to a degree program when those exchanges take place under the auspices of an organization that sponsors and organizes such programs to promote people-to-people contact.
- ✓ Religious Activities - Persons traveling to Cuba to engage in religious activities that are not authorized pursuant to a religious organization's specific license. Licenses authorizing transactions for multiple trips over an extended period of time are available.
- ✓ Public Performances, Clinics, Workshops, Athletic and Other Competitions, and Exhibitions - Persons traveling to participate in a public performance, clinic, workshop, athletic or other competition (that does not meet the requirements of the general license described above), or exhibition. The event must be open for attendance, and in relevant situations participation, by the Cuban public, and all profits from the event after costs must be donated to an independent nongovernmental organization in Cuba or a U.S.-based charity, with the objective, to the extent possible, of promoting people-to-people contacts or otherwise benefitting the Cuban people.
- ✓ Activities of Private Foundations or Research or Educational Institutions - Persons traveling to Cuba on behalf of private foundations or research or educational institutes that have an established interest in international relations to collect information related to Cuba for noncommercial purposes. Licenses authorizing transactions for multiple trips over an extended period of time are available.
- ✓ Exportation, Importation, or Transmission of Information or Informational Materials - Persons traveling to engage in activities directly related to the exportation, importation, or transmission of information or informational materials.
- ✓ Licensed Exportation - Persons traveling to Cuba to engage in activities directly related to marketing, sales negotiation, accompanied delivery, or servicing of exports of health care products or other exports that may be considered for authorization under existing Department of Commerce regulations and guidelines with respect to Cuba or engaged in by U.S.-owned or -controlled foreign firms.

**Applying for a specific license:** Persons wishing to travel to Cuba under a specific license should send a letter specifying the details of the proposed travel, including any accompanying documentation, to Steven Pinter, Chief of Licensing, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Academic institutions wishing to obtain one of the two-year specific licenses described above should send a letter to the same address requesting such a license and establishing that the institution is accredited by an appropriate national or regional accrediting association. Religious organizations wishing to obtain one of the two-year specific licenses described above should send a letter to the same address requesting such a license and setting forth examples or religious activities to be undertaken in Cuba.

**Provision of travel services:** U.S. travel service providers, such as

travel agents and tour operators, who handle travel arrangements to, from, or within Cuba must hold special authorizations from the Office of Foreign Assets Control to engage in such activities. These authorizations are issued based on written applications from the service providers, subject to appropriate checks by the Treasury Department. A traveler should not use any travel service provider that does not hold valid Treasury authorization. If in doubt about the status of a service provider's authorization, travelers should call the Office of Foreign Assets Control at 305/810-5140. Only carrier service providers that have been authorized by OFAC may operate direct humanitarian passenger charter flights between Miami and Havana.

**Unauthorized travel-related transactions:** Unless otherwise exempted or authorized, any person subject to U.S. jurisdiction who engages in any travel-related transaction in Cuba violates the Regulations. Persons not licensed to engage in travel-related transactions may travel to Cuba without violating the Regulations only if all Cuba-related expenses are covered by a person not subject to U.S. jurisdiction and provided that the traveler does not provide any service to Cuba or a Cuban national. Such travel is called "fully-hosted" travel. Travel to Cuba may be considered fully hosted even if the traveler pays for a plane ticket provided that the travel is not aboard a Cuban carrier. Travel to Cuba is not fully hosted if a person subject to U.S. jurisdiction pays--before, during, or after the travel--any expenses relating to the travel, including travel to Cuba on a Cuban carrier, even if the payment is made to a third-country person or entity that is not subject to U.S. jurisdiction. Examples of costs commonly incurred by persons traveling to, from, and within Cuba are expenses for meals, lodging, transportation, bunkering of vessels or aircraft, visas, entry or exit fees, and gratuities. Fully-hosted travel to and from Cuba cannot be aboard a direct flight between the United States and Cuba. The authorization for licensed travelers to purchase and return to the United States with \$100 worth of Cuban merchandise does not apply to fully-hosted travelers.

Any person subject to U.S. jurisdiction determined to have traveled to Cuba without an OFAC general or specific license is presumed to have engaged in prohibited travel-related transactions. In order to overcome this presumption, any traveler who claims to have been fully hosted or not to have engaged in any travel-related transactions may be asked by Federal enforcement agencies to provide a signed explanatory statement accompanied by any relevant supporting documentation.

■ **SENDING OR CARRYING MONEY TO CUBA** - U.S. persons aged 18 or older may send to the household of any individual in Cuba "individual-to-household" cash remittances of up to \$300 per household in any consecutive three-month period, provided that no member of the household is a senior-level Cuban government or senior-level Cuban communist party official.

U.S. persons aged 18 or older may send to the household of any close relative of the remitter or the remitter's spouse "family" cash remittances of up to \$300 per household in any consecutive three-month period. No more than a combined total of \$300 of individual-to-household and family remittances may be sent by a remitter to any one household in any consecutive three-month period, regardless of the number of close relatives or other persons residing in that household. A close relative means a spouse, child, grandchild, parent, grandparent, great-grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, or spouse, widow, or widower of any of those people.

U.S. persons also may send up to \$1,000 per payee on a one-time basis as an "emigration-related" remittance to a Cuban national to enable the payee to emigrate from Cuba to the United States. Specifically, up to \$500 may be remitted to a Cuban national prior to the payee's receipt of a valid U.S. visa or other U.S. immigration document, and up to \$500 may be remitted to the Cuban national after the payee receives a valid U.S. visa or other U.S. immigration document.

Remittances may be transferred through a financial institution or through an OFAC-licensed remittance forwarder. Service providers, including

financial institutions originating transfers on behalf of non-aggregating customers, must obtain an affidavit from the remitter certifying that each individual-to-household and family remittance does not exceed \$300 in any consecutive three month period and that each emigration-related remittance meets the requirements of the Regulations (see TDF 90-22.52 on last page of brochure). Remitters can expect to have their identity, date of birth, address, and telephone number verified.

Persons licensed to engage in travel-related transactions (this does not include fully-hosted travelers) may carry their own remittances, provided that they may carry no more than a combined total of \$300 of individual-to-household and family remittances, and provided that no emigration-related remittances may be carried before the payee has received a valid U.S. visa or other immigration document and the traveler can supply the visa number and the date of issuance.

Specific licenses may be issued on a case-by-case basis authorizing remittances:

- ✓ to independent nongovernmental organizations in Cuba;
- ✓ by Cuban scholars authorized to teach or engage in scholarly activity at a U.S. college or university who wish to repatriate earnings in excess of \$300;
- ✓ to households of Cuban nationals living outside of Cuba in excess of \$300 per quarter from blocked accounts; or
- ✓ to individuals in Cuba to facilitate their non-immigrant travel to the United States under circumstances where humanitarian need is demonstrated, including illness or medical emergency.

■ **FAIR BUSINESS PRACTICES** - Anyone authorized by the U.S. Department of the Treasury to provide Cuban travel services or services in connection with sending money to Cuba is prohibited from participating in discriminatory practices of the Cuban government against individuals or particular classes of travelers. The assessment of consular fees by the Cuban government, which are applicable worldwide, is not considered to be a discriminatory practice. However, requiring the purchase of services not desired by the traveler is not permitted. Persons wishing to provide information on such activities should call 305/810-5170. All information regarding arbitrary fees, payments for unauthorized purposes, or other possible violations furnished to the U.S. Treasury Department will be handled confidentially.

■ **ESTATES AND SAFE DEPOSIT BOXES** - An estate becomes blocked whenever a Cuban national is an heir or is the deceased; money from a life insurance policy is blocked whenever the deceased is a Cuban resident. The heir of a person who died in Cuba, or the beneficiary of a life insurance policy of a person who died in Cuba, may apply for a license from the Office of Foreign Assets Control to unblock the estate or insurance proceeds. Persons administering or interested in a blocked estate should contact the Office of Foreign Assets Control at 202/622-2480 for more information. A safe-deposit box is blocked whenever a Cuban has an interest in the property contained in the box. Access to a blocked safe deposit box for inventory purposes may be granted under certain conditions, but the contents of the box remain blocked and may not be removed without the permission of the Office of Foreign Assets Control.

■ **PAYMENTS FOR OVERFLIGHTS** - Private and commercial aviators must obtain a specific license authorizing payments for overflight charges to Cuba. Banks will ask to see the originals of such licenses before executing transfers and keep a copy for their files. Such transfers must be in a currency other than U.S. dollars.

If you have information regarding possible violations of the Cuban Assets Control Regulations, please call the Office of Foreign Assets Control at 305/810-5170. Your call will be handled confidentially.



### CUBAN REMITTANCE AFFIDAVIT

Form approved  
04/08/00 (04/01/02)  
e-pas 03/03/02

This affidavit is to be completed by the remitter, pursuant to the Cuban Assets Control Regulations, 31CFR Part 515, under the Trading with the Enemy Act, 50 U.S.C. App. 1-44, and the Cuban Liberty and Democratic Solidarity Act, 22 U.S.C. 6001-6010. It is to be submitted to the remittance service provider and kept on file for five years, subject to audit by the U.S. Department of the Treasury.

Esta declaración jurada tiene que ser llenada por el remitente, en conformidad con el "Control y Regulaciones de Bienes Cubanos," 31 CFR Parte 515, bajo la "Ley Sobre Comercio con el Enemigo," 50 U.S.C. App. 1-44, y bajo la "Ley Relativa a Cuba Sobre la Libertad y la Solidaridad Democrática," 22 U.S.C. 6001-6010. Dicha declaración jurada debe ser presentada a la agencia remitente y mantenerse en los archivos por cinco años y esta sujeta a auditoría por el Departamento del Tesoro de los EE.UU.

<p>I, _____, <b>DECLARE AND STATE THAT</b> <small>(Print name)</small></p> <p><b>THE FOLLOWING IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE:</b></p> <p style="text-align: center; font-weight: bold; font-size: small;">EMIGRATION REMITTANCE</p> <p>1. I understand that I may send two \$300 emigration remittances per payee to enable the payee to emigrate to the United States. Only one of these remittances may be sent before the payee has received a valid visa from the U.S. State Department. I certify that my total emigration remittances to this payee will not be greater than \$1000.</p> <p>Name of Payee: _____</p> <p>Payee's Date of Birth: _____</p> <p>2. I am sending more than \$500 <b>OR</b> I have already sent a pre-visa emigration remittance to this payee. I certify that the payee has received an immigration visa from the U.S. State Department as follows:</p> <p>Number of Payee's Visa: _____</p> <p>Date of Payee's Visa: _____</p> <p style="text-align: center; font-weight: bold; font-size: small;">PERSONAL REMITTANCE</p> <p>I understand that I may send up to \$300 per payee's household in a 3-month period provided that no member of that household is a senior-level Cuban government or Communist party official. The total combined amount of Personal and Family Remittances I send may not exceed \$300 per payee's household in a 3-month period. I certify that I am 18 or older, that no member of the payee's household is a senior-level Cuban government or Communist party official, and that this payment will not exceed the combined Personal and Family Remittance limit of \$300 per payee's household in a 3-month period.</p> <p style="text-align: center; font-weight: bold; font-size: small;">FAMILY REMITTANCE</p> <p>I understand that I may send up to \$300 per payee's household in a 3-month period to any household inhabited by my close relative(s) or those of my spouse for their support. The total combined amount of Personal and Family Remittances I send may not exceed \$300 per payee's household in a 3-month period. I certify that I am 18 or older and that this payment will not exceed the combined Personal and Family Remittance limit of \$300 per payee's household in a 3-month period.</p> <p>Name of Payee: _____</p> <p>Payee's Address: _____</p>	<p>YO, _____, <b>DECLARO, Y AFIRMO QUE,</b> <small>(Su nombre en letra de molde)</small></p> <p><b>AMI CONOCIMIENTO, LO SIGUIENTE ES VERDICO Y CORRECTO:</b></p> <p style="text-align: center; font-weight: bold; font-size: small;">REMESA DE EMIGRACION</p> <p>1. Entiendo que yo puedo enviar dos remesas de emigración de US\$300 por beneficiario para ayudarlo a emigrar a los EE.UU. Solo una de estas remesas puede ser enviada antes de que el beneficiario haya recibido una visa válida del Departamento del Estado de los EE.UU. Yo afirmo que el total de las remesas de emigración a este beneficiario no será mayor de US\$1000.</p> <p>Nombre del beneficiario: _____</p> <p>Fecha de Nacimiento del beneficiario: _____</p> <p>2. Estoy enviando más de US\$500 o ya he enviado una remesa de emigración pre-visa a este beneficiario. Yo afirmo que el beneficiario ha recibido del Departamento del Estado de los Estados Unidos la visa de inmigración siguiente:</p> <p>Número de Visa del beneficiario: _____</p> <p>Fecha de Visa del beneficiario: _____</p> <p style="text-align: center; font-weight: bold; font-size: small;">REMESA PERSONAL</p> <p>Entiendo que puedo enviar hasta US\$300 por hogar de beneficiario en un período de tres meses siempre y cuando ningún miembro del hogar del beneficiario sea oficial mayor del gobierno de Cuba o un oficial mayor del partido comunista. La cantidad total de Remesas Familiar y Personal combinadas que envío no debe exceder los US\$300 por hogar de beneficiario en un período de tres meses. Yo afirmo que soy mayor de 18 años y que ningún miembro del hogar del beneficiario es oficial mayor del gobierno de Cuba o un oficial mayor del partido comunista y que este pago no excederá la cantidad total de Remesas Familiar y Personal combinadas de US\$300 por hogar de beneficiario en un período de tres meses.</p> <p style="text-align: center; font-weight: bold; font-size: small;">REMESA FAMILIAR</p> <p>Entiendo que yo puedo enviar hasta US\$300 por hogar de beneficiario en un período de tres meses para manutención a cualquier hogar en el cual habitan mis familiares cercanos o los de mi esposo(a). La cantidad total de Remesas Familiar y Personal combinadas que envío no debe exceder los US\$300 por hogar de beneficiario en un período de tres meses. Yo afirmo que soy mayor de 18 años y que este pago no excederá la cantidad total de Remesas Familiar y Personal combinadas de US\$300 por hogar de beneficiario en un período de tres meses.</p> <p>Nombre del Beneficiario: _____</p> <p>Dirección del Beneficiario: _____</p>
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**SIGNATURE OF REMITTER / FIRMA DEL REMITANTE:**

Street Address (Dirección): \_\_\_\_\_

City, State and Zip Code (Ciudad, Estado, Zona Postal): \_\_\_\_\_

Telephone Number (Número de Teléfono): \_\_\_\_\_

Mother's Maiden Name (Apellido de señora de su madre): \_\_\_\_\_

Date of birth of remitter (fecha de nacimiento del remitente): \_\_\_\_\_

**Witnessed by employee of remitting agency (Firma de Testigo del Empleado de la Agencia Remitente):**

Signature (Firma) \_\_\_\_\_

Name of Remitting Agency (Nombre de la Agencia Remitente) \_\_\_\_\_

Date (Fecha) \_\_\_\_\_

TD F90-22.52

Form TD F 90-22.52 is available at OFAC's Internet site, <<<http://www.treas.gov/ofac>>> , and on OFAC's fax-on-demand service at 202/622-0077.

This document is explanatory only and does not have the force of law. The statutes, Executive Orders, and implementing regulations relating to Cuba contain the legally binding provisions governing the sanctions and this document does not supplement or modify those statutes, Executive Orders, or regulations.

The Treasury Department's Office of Foreign Assets Control also administers sanctions programs involving Libya, Iraq, North Korea, the Balkans, the National Union for the Total Independence of Angola (UNITA), Iran, Syria, Sudan, Burma (Myanmar), the Federal Republic of Yugoslavia (Serbia and Montenegro), the Taliban in Afghanistan, Sierra Leone, Liberia, Foreign Terrorist Organizations, designated terrorists and narcotics traffickers, and designated foreign persons who have engaged in activities related to the proliferation of weapons of mass destruction. For additional information about these programs or about the Cuban sanctions program, please contact the:

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U.S. Department of the Treasury  
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(07-26-2001)



■ **BACKGROUND** - Travel to Cuba is severely restricted under the Cuban Assets Control Regulations (the "Regulations") promulgated under The Trading With The Enemy Act. Under these Regulations, spending money relating to Cuban travel is prohibited unless the traveler is licensed. The restrictions include spending money (in any currency) whether travelers go directly to Cuba or via a third country and providing services of any kind to Cuba or a Cuban national. Any foreign person in the United States, is subject to these restrictions while physically present in the United States. Criminal penalties for violating the Regulations, which are enforced by the Department of the Treasury, Office of Foreign Assets Control ("OFAC"), range up to 10 years in prison, \$1,000,000 in corporate and \$250,000 in individual fines. Civil penalties up to \$55,000 per violation may also be imposed.

■ **WHO CAN GO** - The following travelers are authorized, under OFAC general license, to engage in travel transactions while in Cuba:

- **Journalists and support broadcasting or technical personnel** (regularly employed in that capacity by a news reporting organization and traveling for journalistic activities);
- Official **government** travelers (traveling on official business);
- Members of **international organizations** of which the United States is also a member (traveling on official business);
- Persons traveling **once a year** to visit close relatives in circumstances of **humanitarian need** (additional trips within one year will need an OFAC specific license);
- Travelers who have received **specific** licenses from OFAC **prior** to going.
- Full-time professionals whose travel transactions are directly related to **professional research** in their professional areas, provided that their research: (1) is of a noncommercial academic nature, (2) comprises a full work schedule in Cuba, and (3) has a substantial likelihood of public dissemination;
- Full-time professionals whose travel transactions are directly related to attendance at **professional meetings or conferences** in Cuba organized by an international professional organization, institution, or association that regularly sponsors such meetings or conferences in other countries. The organization, institution, or association sponsoring the meeting or conference may not be headquartered in the United States unless it is specifically licensed to sponsor the meeting. The purpose of the meeting or conference cannot be the promotion of tourism in Cuba or other commercial activities involving Cuba, or to foster production of any biotechnological products; and
- **Amateur or semi-professional athletes** or teams traveling to Cuba to participate in an athletic competition held under the auspices of the relevant international sports federation. The athletes must have been selected for the competition by the relevant U.S. sports federation, and the competition must be one that is open for attendance, and in relevant situations, participation, by the Cuban public.

■ **SPECIFIC LICENSES FOR EDUCATIONAL INSTITUTIONS** - Specific licenses may be issued by OFAC to authorize travel transactions related to certain educational activities by students or employees affiliated with a licensed academic institution. Such licenses are only available to U.S. academic institutions accredited by an appropriate national or regional accrediting association, and such licenses must be renewed after a period of two years. Once an academic institution has applied for and received such a specific license, the following categories of travelers affiliated with that academic institution are authorized to engage in travel-related transactions incident to the following activities without seeking further authorization from OFAC:

- **Undergraduate or graduate students participating in a structured educational program** as part of a course offered at an accredited United States college or university. Students planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, (2) that the student is enrolled in an undergraduate or a graduate degree program at the institution, and (3) that the travel is part of an educational program of the institution;
- Persons doing **noncommercial Cuba-related academic research in Cuba for the purpose of qualifying academically as a professional** (e.g. research towards a graduate degree). Students planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institutions's license number, (2) that the student is enrolled in a graduate degree program at the institution, and (3) that the Cuba research will be accepted for credit toward that graduate degree;
- **Undergraduate or graduate students participating in a formal course of study at a Cuban academic institution**, provided the Cuban study will be accepted for credit toward a degree at the licensed U.S. institution. A student planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, (2) that the student is currently enrolled in an undergraduate or graduate degree program at the institution, and (3) that the Cuban study will be accepted for credit toward that degree.
- Persons regularly employed in a teaching capacity at a licensed college or university who plan to **teach part or all of an academic program at a Cuban academic institution**. An individual planning to engage in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, and (2) that the individual is regularly employed by the licensed institution in a teaching capacity.
- **Cuban scholars** teaching or engaging in other scholarly activities at a licensed college or university in the United States. Licensed institutions may sponsor such Cuban scholars, including payment of a stipend or salary.
- **Secondary school students** participating in educational exchanges sponsored by Cuban or U.S. secondary schools and involving the students' participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official. A reasonable number of adult chaperons may accompany the students to Cuba. A secondary school group planning

to engage in such transactions in Cuba must carry a letter from the licensed secondary school sponsoring the trip stating: (1) the school's license number, and (2) the list of the names of all persons traveling with the group.

□ Full-time employees of a licensed institution **organizing or preparing** for the educational activities described above. An individual engaging in such transactions must carry a letter from the licensed institution stating: (1) the institution's license number, and (2) that the individual is regularly employed by the institution.

■ **SPECIFIC LICENSES FOR RELIGIOUS ORGANIZATIONS** - Specific licenses authorizing travel transactions related to religious activities by individuals or groups affiliated with a religious organization may be issued by OFAC. Such licenses are only available to religious organizations located in the United States, and such licenses must be renewed after a period of two years. Once a religious organization has applied for and received such a specific license, travelers affiliated with that religious organization are authorized to engage in travel-related transactions incident to a full-time program of religious activities in Cuba under the auspices of the licensed religious organization without seeking further authorization from OFAC. Individuals planning to engage in such transactions must carry a letter from the licensed religious organization stating: (1) the organization's license number, (2) that they are affiliated with the licensed organization, and (3) that they are traveling to Cuba to engage in religious activities under the auspices of the licensed organization.

■ **OTHER TRAVELERS** - All other travelers who wish to engage in travel-related transactions with Cuba must seek a specific license from OFAC. Such applications will be evaluated on a case-by-case basis. Licenses for pleasure travel to Cuba will not be considered.

■ **HOW MUCH MONEY MAY BE SPENT WHILE IN CUBA** - Only authorized travelers, as listed above, may spend up to the State Department Travel *Per Diem* Allowance for Havana, Cuba, for their living expenses while in Cuba. This includes, but is not limited to, expenditures for lodging, transportation and meals. Please see <<<http://www.state.gov/www/perdiems/index.html>>> for up-to-date changes in the *per diem*. You should also be aware that certain travelers may carry additional funds as necessary to engage in the activities for which they are licensed to travel.

■ **WHAT CAN BE BROUGHT BACK** - The above listed travelers may reenter the United States with up to \$100 of Cuban origin goods for personal use, such as cigars and rum. [Section 515.560(c)(3) of the Regulations]. If unauthorized U.S. travelers return from Cuba with Cuban origin goods, such goods, with the exception of informational materials, may be seized at Customs' discretion. [Section 515.204 of the Regulations]. There are no limits on the import or export of informational materials. [Section 515.206 of the Regulations]. Such materials are statutorily exempt from regulation under the embargo and such items as books, films, tapes and CDs may be transported freely. However, blank tapes and CDs are not considered informational materials and may be seized.

■ **VESSELS** - All persons on board vessels, including the owner, must be an authorized traveler, as listed above, to engage in travel transactions in Cuba. If you are not an authorized traveler, you may **not** purchase meals, pay for transportation, lodging, dockage or mooring fees, cruising fees, visas, entry or exit fees and you may not bring any Cuban origin goods back to the United States. Any payment to

the Marina Hemingway International Yacht Club is considered a prohibited payment to a Cuban national and therefore in violation of the Regulations. Vessel owners are prohibited from carrying travelers to Cuba who pay them for passage if the owner does not have a specific license from OFAC authorizing him to be a Service Provider to Cuba.

■ **FULLY HOSTED TRAVELERS** - Fully-hosted or fully-sponsored travelers may travel to Cuba without contacting OFAC if the traveler's Cuba-related expenses are covered by a person not subject to U.S. jurisdiction. Travel to Cuba is not fully hosted or fully sponsored if a person subject to U.S. jurisdiction pays-before, during, or after the travel--any expenses related to the travel, including travel to Cuba on a Cuban carrier, even if the payment is made to a third-country person or entity that is not subject to U.S. jurisdiction. Examples of costs commonly incurred by travelers to and in Cuba are for meals, lodging, transportation, bunkering of vessels or aircraft, visas, entry or exit fees, and gratuities. In addition, fully-hosted travel to and from Cuba cannot be aboard a direct flight between the United States and Cuba. Travelers whose expenses are covered by a person not subject to U.S. jurisdiction may not bring back any Cuban origin goods, except for informational materials. [see Note to Section 515.420(c) of the Regulations]. Importation of gifts received in Cuba by a fully-hosted traveler may be licensed by OFAC provided the gift is of small value and represents no commercial benefit to Cuba. Customs will detain gifts, pending the outcome of an OFAC license application. Before a licensing determination can be made, all facts surrounding the receipt of the gift must be reviewed. [Section 515.544 of the Regulations].

Any person subject to U.S. jurisdiction determined to have traveled to Cuba without an OFAC general or specific license is presumed to have engaged in prohibited travel-related transactions. In order to overcome this presumption, any traveler who claims to have been fully hosted or fully sponsored or not to have engaged in any travel-related transactions may be asked by Federal enforcement agencies to provide a signed explanatory statement, accompanied by any relevant supporting documentation. Fully-hosted travelers are also prohibited from providing any services to Cuba or to Cuban nationals.

■ **EMERGENCIES** - In case of emergencies requiring financial transactions such as emergency repair of vessels or medical treatment, travelers are urged to contact OFAC at (202)622-2480, to discuss necessary authorizations.

■ **HUMANITARIAN DONATIONS** - There is joint OFAC and Commerce Department ("USDOC") administration over export of gift parcels and humanitarian goods to Cuba to meet basic human needs. If an export is licensed by USDOC, OFAC authorizes financial and other transactions related to that export. Pursuant to the Cuban Democracy Act, donations of food and vitamins to an individual or non-governmental organization may not be restricted. However, the export of medicines and medical supplies must be specifically licensed by USDOC prior to departure. Gift parcels to individuals or non-governmental organizations may be exported under USDOC "General License GIFT" without prior written government approval. [Section 740.12 of the Export Administration Regulations]. The combined content must be valued below \$200, may contain only items for personal use, and may not be for resale. Gift packages may include only the following items: Food, vitamins, seeds, medicines, medical supplies and devices, hospital supplies and equipment, equipment for the handicapped, clothing, personal hygiene items, veterinary medicines and supplies, fishing equipment and supplies, soap making equipment, and certain radio equipment and batteries for such equipment.

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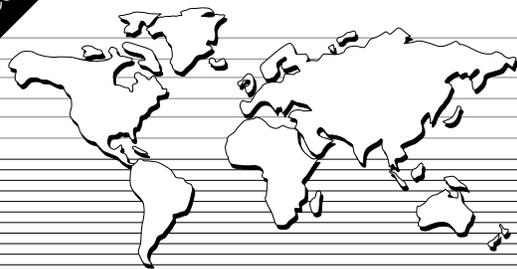
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U.S. Department of the Treasury  
Office of Foreign Assets Control



# CUBA

## Restricciones de Viajes a Cuba

■ **ANTECEDENTES** - Los viajes a Cuba están severamente restringidos bajo las Regulaciones del Control de Activos Cubanos (las "Regulaciones") promulgadas bajo el Acto de Comercializar con el Enemigo. Bajo estas regulaciones, cualquier gasto de dinero relacionado con viajes a Cuba está prohibido, a menos que la persona que esté viajando tenga una licencia apropiada. Las restricciones incluyen el gasto de dinero (de cualquier moneda), ya sea que la persona que viaje vaya directamente a Cuba o por vía de un tercer país y proporcionando cualquier tipo de servicios a Cuba o a cualquier persona de nacionalidad cubana. Cualquier persona dentro de los Estados Unidos, a pesar de su nacionalidad, está sujeto a estas restricciones. Las sanciones por la violación a las "Regulaciones", que han sido establecidas por la Oficina de Control de Bienes Extranjeros (OFAC) del Departamento de la Tesorería, conllevan una sentencia de hasta 10 años en la cárcel, multas de \$1,000,000 para corporaciones y \$250,000 para particulares. También pueden ser aplicadas sanciones civiles de hasta \$55,000 por cada violación.

■ **QUIENES PUEDEN VIAJAR A CUBA** - Las siguientes personas están autorizadas para viajar a Cuba y tomar parte en transacciones relacionadas con el viaje mientras que estén en Cuba, siempre y cuando tengan las licencias requeridas por la OFAC:

- ❑ **Periodistas y personal de emisión o técnico** (regularmente empleados en esa posición por una organización de reportajes noticieros y viajando por actividades periodísticas);
- ❑ Oficiales del **gobierno** (cuando estén viajando por asuntos oficiales);
- ❑ Miembros de **organizaciones internacionales** de las cuales los EE.UU. sea también un miembro (viajando por asuntos oficiales);
- ❑ Personas viajando **una vez al año** para visitar parientes cercanos en Cuba en circunstancias de **necesidad humanitaria** (para viajes adicionales durante el mismo año se necesitará una licencia específica de la OFAC);
- ❑ Profesionales cuyos gastos de viajes estén directamente relacionados con **investigación profesional** en sus áreas profesionales, siempre y cuando que su investigación: (1) no sea comercial pero sí de carácter académico, (2) que incluya un itinerario completo de trabajo en Cuba, y (3) que tenga una gran disposición de ser una diseminación pública;
- ❑ Profesionales cuyos gastos de viajes estén directamente relacionados con asistencia a **reuniones o conferencias profesionales** en Cuba, preparadas por una organización profesional internacional, institución o asociación que regularmente auspicia estas reuniones o conferencias en otros países. La organización, institución o asociación auspiciando la reunión o conferencia no puede tener su casa matriz en los EE.UU. a menos que sea específicamente autorizada para auspiciar la reunión. La razón de dicha reunión o conferencia no puede ser la promoción del turismo en Cuba u otras actividades comerciales relacionadas con Cuba, o fomentar la fabricación de productos biotecnológicos;
- ❑ **Atletas o equipos no profesionales o semi profesionales** viajando a Cuba para participar en una competencia atlética con el auspicio de una federación internacional de deportes. Los atletas deben haber sido seleccionados para competir por la federación correspondiente de EE.UU., y la competencia debe estar abierta para los aficionados, y en situaciones relevantes, la participación del público Cubano.

■ **LICENCIAS ESPECIFICAS PARA INSTITUCIONES EDUCATIVAS** - Las licencias específicas pueden ser emitidas por la OFAC para permitir transacciones de viaje relacionadas con ciertas actividades educativas de estudiantes o empleados afiliados a una institución académica autorizada. Estas licencias sólo están disponibles para instituciones académicas de los EE.UU. acreditadas por una asociación nacional o regional apropiadamente acreditada y estas licencias deben ser renovadas después de un período de dos (2) años. Una vez que una institución académica haya solicitado y recibido esta licencia específica, las siguientes categorías de viajeros afiliados a esa institución académica serán autorizados para tomar parte en transacciones de viaje a Cuba y relacionadas a las siguientes actividades sin solicitar autorización adicional de la OFAC:

- ❑ **Estudiantes universitarios participando en un programa educativo estructurado** que sea parte de un curso ofrecido por una universidad estadounidense acreditada. Los estudiantes planificando tomar parte en debidas transacciones deben portar una carta de la institución autorizada expresando: (1) el número de licencia de la institución, (2) que el estudiante esté registrado en un programa universitario o de postgrado en dicha institución, y (3) que el viaje forme parte de un programa educativo de la misma institución.
- ❑ Personas haciendo **investigación académica no comercial relacionada con Cuba con el propósito de calificar académicamente a un título profesional** (ej. investigación para su título de postgrado). Los estudiantes planificando tomar parte en dichas transacciones deben portar una carta de la institución expresando: (1) el número de licencia de la institución, (2) que el estudiante esté registrado en un programa de postgrado en la institución, y (3) que la investigación acerca de Cuba será aceptada como crédito para el título de postgrado.
- ❑ Estudiantes universitarios participando en un **curso formal de estudios en una institución académica Cubana**, siempre y cuando el estudio en Cuba sea aceptado como crédito para un título en la institución estadounidense autorizada. Un estudiante planificando tomar parte en esas transacciones debe portar una carta de la institución autorizada expresando lo siguiente: (1) el número de licencia de la institución, (2) que el estudiante en ese momento este registrado en un programa universitario en la institución, y (3) que el estudio Cubano será aceptado como crédito para ese título.
- ❑ Personas regularmente empleadas en calidad de profesor de una universidad autorizada, quienes planifican **enseñar parte o todo de un programa académico en una institución académica Cubana**. Un individuo planificando tomar parte en estas transacciones debe portar una carta de la institución autorizada expresando: (1) el número de licencia de la institución, y (2) que el individuo esté regularmente empleado por la institución autorizada en la capacidad de enseñanza.
- ❑ **Escolares cubanos** enseñando o tomando parte en otras actividades doctas en una universidad autorizada en los EE.UU. Las instituciones autorizadas pueden auspiciar a tales escolares cubanos, incluyendo pago de estipendio o sueldo.
- ❑ **Estudiantes de colegios** participando en intercambios educativos auspiciados por colegios cubanos o estadounidenses e involucrando la participación de los estudiantes en un curso formal de estudios o en un programa estructurado educativo ofrecido por un colegio u otra institución académica conducido por un profesor u otro oficial del colegio. Un número razonable de chaperones pueden acompañar a los estudiantes a Cuba. Un grupo colegial que planifique tomar parte en tales transacciones en Cuba deben portar una carta del colegio autorizado auspiciando el viaje expresando: (1) el número de licencia del colegio, y (2) un

listado de todos los nombres de las personas viajando con el grupo.

□ Empleados a tiempo completo de una institución autorizada **organizando o preparando** las actividades educativas anteriormente descritas. Un individuo que tome parte en tales transacciones debe portar una carta de la institución autorizada expresando: (1) el número de licencia de la institución, y (2) que el individuo este empleado regularmente por la institución.

■ **LICENCIAS ESPECIFICAS PARA ORGANIZACIONES RELIGIOSAS** - Las licencias específicas autorizando transacciones de viaje relacionadas con actividades religiosas por individuos o grupos afiliados a una organización religiosa pueden ser emitidas por la OFAC. Tales licencias sólo están disponibles para organizaciones religiosas localizadas en los EE.UU. y las mismas deben ser renovadas después de un período de dos (2) años. Una vez que una organización ha solicitado y ha recibido tal licencia específica, los viajeros afiliados con esa organización religiosa están autorizados para tomar parte en transacciones de viajes relacionados con un programa a tiempo completo de actividades religiosas en Cuba bajo el auspicio de una organización religiosa autorizada sin tener que obtener autorización adicional de la OFAC. Los individuos que planifiquen tomar parte en tales transacciones deben portar una carta de la organización religiosa autorizada expresando: (1) el número de licencia de la organización, (2) que son afiliados a la organización autorizada, y (3) que están viajando a Cuba para tomar parte en actividades religiosas bajo el auspicio de la organización autorizada.

■ **LAS DEMAS PERSONAS QUE QUIEREN TOMAR PARTE EN TRANSACCIONES RELACIONADAS CON VIAJES A CUBA DEBEN SOLICITAR UNA LICENCIA ESPECIFICA DE LA OFAC** - Tales aplicaciones serán evaluadas en base a un caso específico. Las licencias para viajar a Cuba por placer no serán consideradas.

■ **CUANTO DINERO SE PUEDE GASTAR MIENTRAS USTED ESTA EN CUBA** - Solo las personas o instituciones autorizadas para viajar, antes mencionadas, pueden gastar hasta el "per diem" por gastos establecido por el departamento del estado para Habana, Cuba. Esto incluye, pero no esta limitado a, gastos de hospedaje, transportación y comida. Por favor ver <http://www.state.gov/www/perdiems/index.html> para el cambio de la moneda al día en el per diem. Usted también tiene que estar enterado que ciertos viajeros pueden llevar fondos adicionales como es necesario para tomar parte en las actividades que ellos han sido autorizados a viajar.

■ **QUE SE PUEDE TRAER** - Las personas antes mencionadas, quienes estén viajando, pueden regresar a los EE.UU. con hasta US\$100.00 en productos de origen Cubano para uso personal, como cigarros y ron. Si los viajeros estadounidenses no autorizados regresan de Cuba con productos de origen cubano, tales productos, con la excepción de materiales de información, pueden ser confiscados a la discreción de la Aduana de los Estados Unidos. No hay límites sobre la importación o exportación de materiales de información. Tales materiales están decretados exentos de regulación bajo el embargo, y artículos como libros, películas, cintas y discos compactos pueden ser transportados libremente. Sin embargo, cintas en blanco y discos compactos en blanco no son considerados materiales de información y pueden ser confiscados.

■ **EMBARCACIONES** - Todas las personas en embarcaciones, incluyendo al dueño, deben ser viajeros autorizados, como los antes mencionados, para participar en transacciones de viaje en Cuba. Si usted no es un viajero autorizado, usted **NO** puede comprar comida, pagar por transportación, hospedaje, honorarios de amarre o muelle, honorarios de navegación, visas, honorarios de entrada y salida y usted no puede traer productos de origen cubano a los EEUU. Cualquier pago al Club Náutico Internacional Hemingway será considerado un pago prohibido a una persona de nacionalidad cubana y por eso una violación a las Regulaciones. Los dueños de embarcaciones tienen prohibido transportar pasajeros a Cuba que

les pagan por el pasaje, si el dueño no tiene una licencia específica de la OFAC autorizandolo para ser un proveedor de servicio a Cuba.

■ **VIAJEROS CON TODOS LOS GASTOS PAGOS** – Los viajeros con todos los gastos pagos o completamente patrocinados pueden viajar a Cuba sin contactar a la OFAC si los gastos relacionados con el viaje a Cuba son cubiertos por una persona no sujeta a jurisdicción Estadounidense. Los viajes a Cuba no se consideran con todos los gastos pagos o completamente patrocinados si una persona bajo jurisdicción Estadounidense paga--antes, durante o después del viaje --cualquier gasto relacionado con el viaje, incluyendo viajes a Cuba en un transporte cubano, aunque el pago sea hecho por una persona o una tercera entidad que no está sujeta a la jurisdicción de los EE.UU. Algunos ejemplos de costos comunmente incurridos por viajeros hacia y en Cuba son de comida, hospedaje, transportación, abastecimiento de combustible de embarcaciones o aviones, visas, pagos de entrada o salida, y propinas. Además, los viajes con todos los gastos pagos o completamente patrocinados hacia y desde Cuba no pueden ocurrir en un vuelo directo entre los EEUU y Cuba. Los viajeros cuyos gastos son cubiertos por una persona no sujeta a jurisdicción estadounidense no pueden traer ningún producto de origen cubano, exepcto materiales de información. La importación de regalos recibidos en Cuba por un viajero completamente patrocinado puede ser autorizado por la OFAC, con tal que el regalo sea de un poco valor y no represente un beneficio comercial para Cuba. La aduana estadounidense confiscará los regalos, hasta determinar si es posible la aplicación de una licencia por la OFAC. Antes de que una determinación de licencia pueda ser hecha, todos los datos acerca del recibo del regalo tendrá que ser revisado.

Cualquier persona sujeta a la jurisdicción de los EE.UU. que se determine que ha viajado a Cuba sin una licencia específica o general de la OFAC se considerará que ha estado involucrada en transacciones prohibidas relacionadas con el viaje. Para poder subyugar esta presunción, todo viajero que afirme haber viajado con todos los gastos pagos o haber sido completamente patrocinado o que no ha estado involucrado en transacciones relacionadas con el viaje a Cuba, puede ser obligado por las agencias de constreñimiento a proveer una declaración explicatoria firmada, junto con documentos relevantes que sustenten el caso. Los viajeros completamente patrocinados también tienen prohibido proveer cualquier servicio a Cuba o personas de nacionalidad cubana.

■ **EMERGENCIAS** - En el caso de emergencias que requieran de transacciones financieras como reparación de un barco o tratamiento médico, los viajeros tienen la facultad de contactarse con la OFAC al (202)622-2480, para informarse sobre las autorizaciones necesarias.

■ **DONACIONES HUMANITARIAS** - Existe una administración conjunta entre la OFAC y el Departamento de Comercio de los Estados Unidos (USDOC) sobre la exportación de productos humanitarios a Cuba con el fin de satisfacer necesidades humanas básicas. Si una exportación está autorizada por el USDOC, la OFAC en cambio, autoriza transacciones financieras y otras transacciones relacionadas con esa exportación y vice versa. Conforme al Acto Democrático de Cuba, las donaciones de comida y vitaminas a una persona u organización no gubernamental pueden no ser restringidas. Sin embargo, la exportación de medicinas y suministros médicos debe ser específicamente autorizadas por el USDOC antes de su envío. Los paquetes de regalos pueden ser exportados por individuos u organizaciones no gubernamentales según la "Licencia General de Regalos" del Departamento de Comercio sin aprobación gubernamental por escrito anticipada. El contenido total debe tener un valor menor de US\$200, y sólo puede contener artículos con fines humanitarios para uso personal y no pueden ser para la reventa. Los paquetes de regalos sólo pueden incluir los siguientes artículos: comida, vitaminas, semillas, medicinas, suministros y equipos médicos, suministros y equipos para hospitales, equipos para inválidos, ropa, artículos de higiene personal, medicinas y suministros veterinarios, equipaje y suministros de pesca, equipo para hacer jabón, y ciertos equipos de radio y baterías para el mismo.

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Este documento es solamente explicatorio y no tiene fuerza de ley. Los estatutos, las ordenes ejecutivas, y las regulaciones implementarias que estén relacionadas con Cuba contienen las provisiones legalmente obligatorias que regulan las sanciones y este documento no reemplaza o modifica esos estatutos, ordenes ejecutivas, o regulaciones. La Oficina de Control de Bienes Extranjeros del Departamento de la Tesorería de los Estados Unidos también administra programas de sanciones involucrando a Iraq, Libia, Corea del Norte, los Balcanes, la República Federal de Yugoslavia (Serbia y Montenegro), la Unión Nacional para la Independencia Total de Angola (UNITA), el Taliban en Afganistan, Irán, Siria, Sudán, Burma (Myanmar), Sierra Leone, Liberia, Organizaciones de Terroristas Extranjeros, terroristas y narcotraficantes indicados y personas extranjeras señaladas quienes han tomado parte en actividades relacionadas con la proliferación de armas de destrucción masiva. Para información adicional sobre estos programas o sobre el programa de sanciones de Cuba, por favor contactar:

**OFFICE OF FOREIGN ASSETS CONTROL**  
U.S. Department of the Treasury  
Washington, D.C. & Miami, Florida  
202-622-2520/305-810-5140

<<<http://www.treas.gov/ofac>>>